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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-312*

12 **DANIEL H. VANDERKALLEN**
13 **a.k.a., DANIEL VANDERKALLEN**
14 **a.k.a., DANIEL HUBERT**
15 **VANDERKALLEN**
16 29200 Clearspring Lane
Highland, CA 92346

A C C U S A T I O N

16 Registered Nurse License No. 403323

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs (Board).

23 2. On or about August 31, 1986, the Board of Registered Nursing issued Registered
24 Nurse License No. 403323 to Daniel H. Vanderkallen, also known as Daniel Vanderkallen and
25 Daniel Hubert Vanderkallen (Respondent). The Registered Nurse License was in full force and
26 effect at all times relevant to the charges brought herein and will expire on February 28, 2014,
27 unless renewed.

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it.

4 ...

5 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be
7 conclusive evidence thereof."

8 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
9 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
10 to render a decision imposing discipline on the license.

11 **REGULATORY PROVISIONS**

12 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:
13 AA conviction or act shall be considered to be substantially related to the qualifications,
14 functions or duties of a registered nurse if to a substantial degree it evidences the present or
15 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
16 safety, or welfare."

17 **COST RECOVERY**

18 9. Section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Convictions of Substantially Related Crimes)**

24 10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
25 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
26 Respondent has been convicted of crimes substantially related to the qualifications, functions, or
27 duties of a registered nurse, as follows:

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1 a. On or about April 23, 2012, after pleading guilty, Respondent was convicted of one
2 misdemeanor count of violating Penal Code section 166, subdivision (A)(4) [contempt of court:
3 disobey court order] in the criminal proceedings *The People of the State of California v. Daniel*
4 *Hubert Vanderkallen* (Super.Ct. San Bernardino County, 2012, No. MSB1201087). The Court
5 sentenced Respondent to serve 12 days in San Bernardino County Jail and ordered
6 pronouncement of judgment withheld and conditional and revocable release granted for a period
7 of thirty-six months, with terms and conditions. The circumstances surrounding the conviction are
8 that on or about April 2, 2012, Respondent was found to be in contempt of court and disobeyed a
9 court order.

10 b. On or about August 17, 2011, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating Penal Code section 273.5, subdivision (a) [inflicting corporal
12 injury upon spouse/cohabitant] in the criminal proceeding entitled *The People of State the*
13 *California v. Daniel Hubert Vanderkallen* (Super. Ct. San Bernardino County, 2011, No.
14 MSB1102385). The Court sentenced Respondent to serve two days in a San Bernardino County
15 Jail and ordered pronouncement of judgment withheld and conditional and revocable release
16 granted for a period of thirty-six months, with terms and conditions. The circumstances
17 surrounding the conviction are that on or about May 30, 2011, Respondent and his wife engaged
18 in a verbal argument that escalated into a physical altercation. His wife went into the bedroom
19 and shut the door behind her. Respondent forced the door open, jumped on top of her, and struck
20 her in the face multiple times.

21 c. On or about February 20, 2003, after pleading guilty, Respondent was convicted of
22 one misdemeanor count of violating Penal Code section 242 [battery] in the criminal proceedings
23 *The People of the State of California v. Daniel Hubert Vanderkallen* (Super.Ct. San Bernardino
24 County, 2003, No. MRE014436). The Court ordered pronouncement of judgment withheld and
25 conditional and revocable release granted for a period of thirty-six months, with terms and
26 conditions. The circumstances surrounding the conviction are that on or about November 27,
27 2002, Respondent willfully and unlawfully used force and violence upon another.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 11. Respondent is subject to disciplinary action under section 2761, subdivision (a) and
4 (d), in that Respondent committed acts which constitute unprofessional conduct. Complainant
5 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10,
6 subdivisions (a) through (c), inclusive, as though set forth fully.

7 **PRAYER**

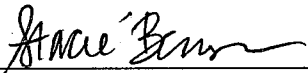
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

10 1. Revoking or suspending Registered Nurse License No. 403323, issued to Daniel H.
11 Vanderkallen, also known as Daniel Vanderkallen and Daniel Hubert Vanderkallen;

12 2. Ordering Daniel H. Vanderkallen to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: OCTOBER 24, 2012

16 *for* 
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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